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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.54347 of 2025

Aman Dela ... Petitioner

Versus

State of Haryana ... Respondent

1.	The date when the judgment is reserved	19.11.2025
2.	The date when the judgment is pronounced	29.11.2025
3.	The date when the judgment is uploaded on the website	29.11.2025
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mukesh Yadav, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The petitioner is seeking indulgence of this Court by filing the present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising

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out of FIR No.20 dated 27.09.2024 registered under Sections 318(4), 61(b) and 238 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) at Cyber Police Station, Narnaul, District Mahendergarh, on the allegations that the victim-complainant Sunil Kumar had been induced to part with a sum of Rs.1,18,47,353/- by way of cyber crime committed by the petitioner and the co-accused by alluring the complainant on the premise to invest money and to fetch profits. The money belonging to the complainant was shown to be transferred in the bank account operated by the co-accused Vinod Piplodiya and Sanjay Kumawat @ Sanju. The trail of the crime also led to the present petitioner who along with the co-accused Mukesh Nath, Abhishek Sharma, Parmod Kumar and Kailash was apprehended on 27.12.2024 when all of them were indulged in committing online fraud by using cell phones and laptops in some premises. Recoveries of several mobile phones, ATM cards, cheque books, passbooks and sim cards etc. were effected from them. The investigation now stands completed and the petitioner along with the co-accused is facing trial for commission of aforementioned offences. His previous petition had been dismissed by this Court on 03.04.2025.

2. It is argued by learned counsel for the petitioner that he is in custody for a period of over 11 months. There has been no progress in the trial. The prolonged period of his incarceration is a sufficient reason for seeking benefit of bail by him. He is not required for further investigation. His continued detention would not serve any fruitful purpose. The subject offences are triable by Magistrate. He has clean antecedents. It is, therefore, argued that he deserves to be extended benefit of bail.

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3. Per contra, learned Assistant Advocate General, Haryana has argued that the petition is not maintainable as the prayer made by the petitioner for grant of bail has already been declined by this Court by passing a detailed order. There has been no substantive change in the circumstances. No new ground is made out for allowing the petition. It is, therefore, urged that the petition does not deserve to be allowed.

4. This Court has considered the rival submissions.

5. It is well settled proposition of law that while considering an application for grant of bail, the Court has to take into consideration the factors as to whether there is a prima facie case or reasonable ground to believe that the accused has committed the offence, circumstances that are peculiar to the case, likelihood of the offence being repeated, severity of punishment in the event of conviction and reasonable apprehension of the witnesses being threatened etc. At the same time, the period of incarceration is a relevant factor to be considered. So far as the maintainability of this petition being second petition for grant of bail is concerned, it may be mentioned that, an accused has a right to move successive bail application for grant of bail and it is the duty of the Court, while entertaining such a subsequent bail application, to consider that any fresh ground which persuade it to take a view different from the one taken in the earlier application is made out or not. It is also required to be noted that every day spent by an accused in custody provides a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to

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balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that detention prior to trial should not become punitive. In the instant case, the petitioner is in custody for a period of more than 11 months. The trial will obviously take considerable time to conclude since no prosecution witness has been examined so far. The petitioner does not have criminal antecedents. Though his complicity in the crime is prima facie established from the allegations as levelled against him, however, he cannot be kept in custody for an indefinite period due to that reason. It is equally well settled that pre trial incarceration should not be a replica of post conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case lest the same prejudice the trial, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. His release on bail shall further be subject to following conditions:

- (i) He shall mark his presence before the SHO of the police station concerned **at 11:00 AM** on first Monday of every month till conclusion of trial;
- (ii) He shall appear before the trial Court on each and every date fixed, unless is exempted by specific order of the Court.
- (iii) He shall disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give



copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

(iv) He shall deposit his passport if any, with the learned trial Court.

6. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

29.11.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No